

Engelmayer, JT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BLACK MOUNTAIN EQUITIES, INC.,

Plaintiff,

-against-

ADVANCED CELL TECHNOLOGY, INC.,

Defendant.

Docket No. 11 Civ. 07305 (PAE)

ORDER TO SHOW CAUSE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/2/11

Upon the annexed Declaration of Adam Baker dated October 27, 2011, upon the Summons and Complaint and all prior pleadings and proceedings heretofore had herein,

Let Defendant Advanced Cell Technology, Inc. ("ACTC") show cause before the Honorable Paul A. Engelmayer in Courtroom 18C at the Courthouse located at 500 Pearl Street, New York, New York 10007 on the 9th day of November 2011 at 10:00 a.m. or as soon thereafter as counsel can be heard why an order pursuant to Fed. R. Civ. P. 65 and 28 U.S.C. § 2201 should not be entered, pending final determination of this action, directing ACTC to deliver immediately at least 18,000,000 shares of its common stock to BME pursuant to the terms of the Warrant held by BME.

Sufficient cause appearing therefor, it is

Ordered that answering papers, if any, must be served on Olshan Grundman Frome Rosenzweig & Wolosky LLP, 65 East 55th Street, New York, New York 10022, by the close of business on November 7, 2011; and it is further

Ordered that ACTC respond to the one interrogatory annexed as Exhibit D to the Baker Declaration by the close of business on November 7, 2011; and it is further

Ordered that service of the Order to Show Cause, together with the papers upon which it is based, and the Summons and Complaint, by electronic mail to Daniel Brown at dlbrown@sheppardmullin.com be deemed good and sufficient service.

Dated: New York, New York

~~October 11, 2011~~

November 7, 2011

Paul A. Engelnay

U.S.D.J.

